IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 2777-M of 2005

DATE OF DECISION : 01.09.2006

Mita alias Meeta Singh and others

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Amit Singla, Advocate, for
Mr. K.K. Goyal, Advocate,
for the petitioners.

Mr. Partap Singh, Senior D.A.G., Haryana.

* * *

The petitioners, who are facing trial in case FIR No. 327 dated 17.8.2000 under Section 18/61/85 of the NDPS Act, registered at Police Station Ratia, have filed this petition under Section 482 of the Code of Criminal Procedure against the order dated 13.12.2004, passed by Additional Sessions Judge, Faridabad, whereby their application for re-calling PW.10 Dr. Surinder Singh for further cross-examination at the stage when the case was fixed for defence evidence and arguments, has been dismissed while observing as under :-

> "However, as argued by the learned P.P. for the State, there is no ground to allow the further cross-examination of this witness because first of all this witness was examined on 9.4.2004 and, thereafter, the case remained pending for so many dates for further proceedings, during which no such application was moved. During this proceeding, the applicant accused had availed of as many as six opportunities to lead defence evidence, without moving this application. At the same time, PW-10, Dr. Surinder Singh was duly cross-examined by the learned Defence counsel. Resultantly, it is clear that the present application has been moved just to delay the trial of this case, which is one of the oldest case of this Court. As such,

finding no merit to allow the application, the same is hereby dismissed."

I have heard the arguments of learned counsel for the parties and gone through the impugned order.

Counsel for the petitioners has argued that when PW.10 was cross-examined, some questions were left to be asked by the defence counsel, therefore, re-calling of the said witness for further cross-examination is necessary. He could not give any valid reason for moving such an application at a belated stage, particularly when a detailed cross-examination of PW.10 was conducted by the defence counsel. In view of these facts, in my opinion, the trial court has rightly dismissed the application, while coming to the conclusion that the application was moved just to delay the trial of the case, which is one of the oldest case pending before the trial court.

Dismissed.

September 01, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**